

2018- R31

**TOWN OF EDISTO BEACH RESOLUTION**  
**DECEMBER 13, 2018**

1. WHEREAS, the Town of Edisto Beach was called to Order with an appropriate Quorum as required by law and has publically voted as follows:

2. WHEREAS, the Edisto Civic Center is located at 42 Station Court, Edisto Island, SC 29438 and is owned by the Colleton County Board of School Trustees and managed by the Town of Edisto Beach.

3. WHEREAS, the Town created a set of Facility Use Guidelines for use of the Civic Center, which consists of an auditorium, a gallery/lobby area, two multi-purpose rooms, and the grounds around the facility.

4. WHEREAS, under the Facility Use Guidelines, the Town “welcomes civic, political, business, social groups and others to its facility.” The original Facility Use Guidelines stated that the “auditorium, the gallery/lobby area, two multi-purpose rooms and/or the grounds may be scheduled for use provided:

- Such use does not interfere or conflict with previously scheduled programs or normal operation of the Center;
- Such use is in accordance with local, state, and federal laws and ordinances governing the Center; and
- Such use conforms to applicable policies, guidelines, and procedures in effect at the Center.”

5. WHEREAS, under the Facility Use Guidelines, the Town also reserves the right to deny a request, reassign space, or cancel reservations which may be for, but not limited to, any of the following reasons:

- Lack of available or suitable space;
- The proposed event interferes or conflicts with previously scheduled programs or normal operation of the Center;
- The organization or individual failed to abide by the terms and conditions of the Center during a prior event within the last three years;

- The organization or individual misused or damaged the property during a prior use;
- A determination that the event could be disruptive, hazardous to persons or the Center, or is unlawful or a breach of peaceful circumstances.

6. WHEREAS, the use of the Civic Center is prohibited except by prior written approval, and a Facility Use Application must be submitted at least ten (10) days in advance of the proposed event. The Town requires that the “agenda for the event . . . be submitted in writing along with the Facility Use Application.” The agenda must include “proposed activities, tentative time schedule, and earliest time when access will be required . . . .”

7. WHEREAS, the Town has also created a Fee Schedule which set forth usage fees for various types of rentals at the Civic Center. Pursuant to the Facility Management Agreement, both the Town and Colleton County agreed to the Fee Schedule in writing prior to its implementation.

8. WHEREAS, the Town had previously received a request from a church-affiliated group to use the Civic Center for religious worship services for an ongoing basis. The Town was concerned about the legal use of the publicly owned Civic Center by religious groups for religious worship services and was further concerned that by agreeing to the group’s proposed discounted rates for usage of the Civic Center, that the Town could be effectively subsidizing the endorsement and establishment of a church.

9. WHEREAS, the Town consulted with its attorney who conducted legal research and found case law which held that a government’s exclusion of religious worship services as a use for limited public forms was a valid and constitutional exclusion which did not infringe upon any First Amendment rights of religious groups and organizations.

10. WHEREAS, on June 14, 2018, the Town Council voted to amend the Facility Use Guidelines to prohibit use of the Civic Center for religious worship services, and the Facility Use Guidelines were amended to reflect this change.

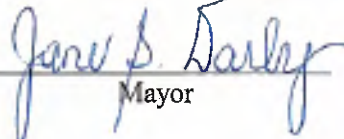
11. WHEREAS, the Town's decision to amend the Civic Center's Facility Use Guidelines was not motivated by any hostility toward any religion; rather, the sole motivation for the amendment was to curtail the Town's risk for liability under the Establishment Clause of the First Amendment.

12. NOW THEREFORE on December 13, 2018, the Town Council met again to consider the language of the Civic Center's Facility Use Guidelines and HEREBY AGREES to rescind the exclusion of religious worship services within the Civic Center such that the original Facility Use Guidelines (attached hereto) are now applicable for the use of the Civic Center moving forward.

ADOPTED AND RESOLVED by Council duly assembled this 13<sup>th</sup> day of December, 2018.

ATTEST:

  
Town Clerk

  
Mayor

## **EDISTO BEACH CIVIC CENTER**

### **FACILITY USE GUIDELINES**

The Edisto Beach Civic Center welcomes civic, political, business, social groups and others to its facility. The auditorium, the gallery/lobby area, two multi-purpose rooms, and/or the grounds may be scheduled for use provided:

- Such use does not interfere or conflict with previously scheduled programs or normal operation of the Center;
- Such use is in accordance with local, state, and federal laws and ordinances governing the Center; and
- Such use conforms to applicable policies, guidelines, and procedures in effect at the Center.

The Edisto Beach Civic Center reserves the right to deny a request, reassign space or cancel reservations. Such refusal, reassignment or cancellation may be for, but is not limited to, any one of the following reasons:

- Lack of available or suitable space;
- The proposed event interferes or conflicts with previously scheduled programs or normal operation of the Center;
- The organization or individual failed to abide by the terms and conditions of the Center during a prior event within the last three years;
- The organization or individual misused or damaged the property during a prior use;
- A determination that the event could be disruptive, hazardous to persons or the Center, or is unlawful or a breach of peaceful circumstances.

### **Reservation Procedures**

1. The use of the Edisto Beach Civic Center is prohibited except by prior written approval.

2. The facility Manager is:

The Town of Edisto Beach  
Attn: Kelly Moore  
2414 Murray Street  
Edisto Beach, SC 29438  
Telephone: 842-869-2505 or 843-603-0009  
Fax: 843-869-3855  
Email: [kmoore@townofedistobeach.com](mailto:kmoore@townofedistobeach.com)

3. A Facility Use Application must be completed and approved prior to scheduling any event. A Facility Use Application may be obtained by contacting the Facility Manager or visiting the Town website at [www.townofedistobeach.com](http://www.townofedistobeach.com)

4. A Facility Use Application must be submitted at least ten (10) days in advance of the event.

5. The agenda for the event must be submitted in writing along with the Facility Use Application. The agenda should include proposed activities, tentative time schedule, and earliest time when access will be required (arrangements for access to the building must be coordinated with the facility manager).

### **Liability Issues**

1. Individuals and organizations reserving the Center are responsible for all damages to the equipment, facility, and grounds that occur as a result of the event. Failure to pay fees for damaged property will result in the loss of future rental privileges.

2. Insurance coverage and a signed indemnification agreement may be required for groups or organizations. Coverage is strongly suggested for any rental. The renter may be required to provide evidence of comprehensive insurance liability coverage in the minimum amounts of \$1,000,000 each claim, \$1,000,000 each occurrence, and \$500,000 property damage. Such insurance will name both the requesting organization

and the Edisto Beach Civic Center, Town of Edisto Beach, Colleton County and Colleton County School District, including their agents, assigns, and contracted agents, as insured's. The Center reserves the right to require limits above this when it may be determined that higher limits are justified. The Center also reserves the right to approve the insurance provider, and a copy of the policy or certificate must be received by the facility Manager at least three (3) business days (excludes federal, state, holidays and weekends) prior to the event.

3. The user assumes all responsibility and liability for vehicles parked on the Center grounds or elsewhere for an event.

4. The user agrees to indemnify and hold harmless the Edisto Civic Center, Colleton County, the Colleton County School District, the Town of Edisto Beach, Edisto Beach Town Council, the Edisto Chamber of Commerce, and the Edisto Art Guild, their officers and employees, from any and all claims of any kind whatsoever, damages, losses and expenses, including attorney's fees and litigation costs, by user's agents, employees, contractors, guests, invitees, attendees, and/or all other third parties arising out of the user's event at the Center. The Edisto Civic Center, Colleton County, the Colleton County School District, the Town of Edisto Beach, Edisto Beach Town Council, the Edisto Chamber of Commerce, and the Edisto Art Guild do not indemnify or hold harmless anyone associated with a scheduled event.

5. The user assumes all responsibility and liability in relation to copyright license for videos, music, or theatrical performances, which includes royalty fees for play production or any music used in the production.

#### **Other Policies**

1. The Edisto Beach Civic Center prohibits on and within its property the possession or use of unsafe items and materials that create conditions at the facility, which may be potentially dangerous to life, property, or which may be disruptive to the essential operations of the Center. This includes, but is not limited to, firearms, explosive devices, hazardous chemicals, improper mechanical equipment, etc.

2. The Edisto Beach Civic Center will be under the control of the facility Manager or other authorized personnel at all times.

3. The right is reserved at all times for any and all designated employees of the Town of Edisto Beach, Colleton County or the Colleton County School District to enter the premises.

4. The facility is not opened, nor does any event begin, without the permission of the Manager or other authorized personnel.
5. No person will be permitted inside any room in excess of the established seating capacity. No additional chairs may be placed in hallways or any other portion of the facility without the prior written permission of the facility Manager. The capacity of the facility is 150.
6. The renter is responsible for the conduct of all attendees. All attendees are expected to stay out of all unauthorized areas and to refrain from using unauthorized equipment. Authorized areas include only public restrooms and the reserved classroom/gallery/auditorium/ kitchen areas. Authorized equipment includes only equipment the user has specifically received written permission to use.
7. The Edisto Beach Civic Center is a smoke-free facility; therefore, smoking is strictly prohibited anywhere on the property (building, porches, decks, parking lots, woods, etc.) except as follows: Two ash stands are located outside the front entrance. The renter and the Manager will discuss and agree upon placement of the ash stands and the associated smoking area for the particular event.
8. No subletting of the facility in part or in whole is allowed except with prior written approval of the Manager.
9. No collections of donations, whether for charity or otherwise, shall be made, attempted, or announced on the premises without prior approval of the facility Manager.
10. Alcohol may be used only when approved by obtaining proper licensing and liability insurance. A copy of all documents must be given to the facility Manager prior to the event.
11. All aspects of providing food and beverages are the responsibility of the renter.
12. No eating utensils, trash bags, tablecloths, office supplies, or any other supplies or equipment is provided. The renter is responsible for providing all supplies as needed.
13. Food and beverage concessions in conjunction with an event are permitted.
14. No painting of props is allowed within the building.

15. Bubbles or real (not artificial) flower petals may be used for weddings/parties, but only outside of the building. No rice, birdseed, streamers, or confetti may be used in the Center or on its grounds. Balloons may be used but must be properly disposed of at the conclusion of the event. Helium balloons or Chinese lanterns may not be released inside or outside.

16. Nails, thumbtacks, etc. must not be used to attach decorations to the walls or ceilings. Use of tape or contact squares must be approved prior to the event. All decorations must be removed at the end of the event. Failure to do so may result in a charge for cleaning.

17. No animals, with the exception of service animals, are permitted within the facility.

18. The Edisto Beach Civic Center is not responsible for any personal or other property brought to, used, or left at the Center.

19. Advance arrangements must be made with the Manager to leave items for later pickup after an event.

20. To ensure return of the full security deposit, the renter agrees to leave the building in structurally the same condition as which it was found. The renter is to take out anything which was brought in and empty the trash in the dumpster provided. The renter is responsible for sweeping and mopping all areas used. If the facility is adjudged to be excessively dirty an additional fee may be assessed and deducted from the security deposit.

21. No publicity or media announcements will connect the Edisto Beach Civic Center, Colleton County, Colleton County School District, the Town of Edisto Beach, Edisto Beach Town Council, or the Edisto Chamber of Commerce as sponsors or partners in any event without the expressed written approval of each body.

22. The Center reserves the right to amend, adjust, or revise these Facility Use Guidelines and procedures at any time.

23. Application must be accompanied by the signature page attached stating you have read, understand and agree to the terms of the guidelines.



**EDISTO BEACH CIVIC CENTER  
FACILITY USE GUIDELINES**

I have read and understand the preceding guidelines and am attaching this signature page to my application.

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Signature of applicant

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Date